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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,069	02/21/2002	Armando Jesus Argumedo	TUC920010111US1	8548

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EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,069

Applicant(s)

ARGUMEDO ET AL.

Examiner

Christopher R. Magee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 12-20 and 23-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The reply filed 17 March 2004 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter AAPA) (*Description of Related Art*; pg. 4, line 11 to pg. 5, line 16).

- Regarding claims 11, 21 and 22, AAPA discloses a LTO magnetic tape cartridge, comprising:

- a magnetic-tape cartridge having a topside, a bottom side, a front side, a rear side, two lateral sides, and a sloped face in the rear side conforming to Magstar and LTO format specifications (pgs. 4-5);

- wherein said bottom side contains first and second locating notches for engagement with corresponding locating pins in a drive and a V-shaped notch for initial alignment of the cartridge within the drive (pg. 4, lines 11-14);

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wherein said first locating notch is an approximately square hole at least 5 mm deep and with a side of $3.00 \text{ mm} \pm 0.08 \text{ mm}$, and said hole has a center located $20.50 \text{ mm} \pm 0.20 \text{ mm}$ from said front side of the cartridge (pg. 5, lines 1-5);

wherein said second locating notch is an approximately oval aperture at least 5 mm deep, with a major dimension of at least 4.8 mm parallel to the cartridge's front side and a minor dimension of $3.00 \text{ mm} \pm 0.08 \text{ mm}$, and said aperture has a center $20.50 \text{ mm} \pm 0.20 \text{ mm}$ from the front side of the cartridge and $86.15 \text{ mm} \pm 0.25 \text{ mm}$ from the center of the first locating notch (pg. 5, lines 5-11);

and wherein said V-shaped notch is at least 8.90 mm deep and has a rounded bottom with a maximum radius of 1.50 mm centered about 5.05 mm from the front side of the cartridge; and the V-shaped notch has sides that extend from the rounded bottom toward the front side of the cartridge at an angle of 60 degrees + 1 degree (pg. 5, lines 11-16).

The AAPA does not teach a dual-purpose magnetic tape cartridge for alternative use in Magstar or LTO robotic systems.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make a dual-purpose magnetic tape cartridge for alternative use in Magstar or LTO robotic systems.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to make a dual-purpose magnetic tape cartridge for alternative use in Magstar or LTO robotic systems since one of ordinary skill in the art, having the LTO and

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Magstar cartridge, would have been inclined to have combined the features of each cartridge into a single cartridge with a standardized size so that single cartridge library bin sleeves were used.

Allowable Subject Matter

3. Claims 12-20 and 23-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1-10 are allowed. The following is a statement of reasons for the indication of allowable subject matter: Referring to claim 1, *“wherein a rear portion of each lateral side contains a recessed surface offset by about 1.8 mm therefrom and extending forward from said rear side;”*, are features, in combination with other features of claim 1, not anticipated by, nor made obvious over, the closest prior art of record.

Response to Arguments

5. Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee
Patent Examiner
Art Unit 2653

May 27, 2004



GEORGE J. LETSCHER
PRIMARY EXAMINER